

MMB

United States District Court

EASTERN

DISTRICT OF

PENNSYLVANIA

25

GABRIEL I. PITTMAN,
Petitioner,

v.

KENNETH D. KYLER, ET AL.,
Respondents.

FILED

APPLICATION TO PROCEED IN
FORMA PAUPERIS, SUPPORTING
DOCUMENTATION AND ORDER

CASE NUMBER: NO. 02-2825

MICHAEL E. KUNZ, Clerk

CIVIL ACTION

By Dep. ClerkI, Gabriel I. Pittman, declare that I am the (check appropriate box)☒ petitioner/plaintiff☐ movant (filing 28 U.S.C. 2255 motion)☐ respondent/defendant☐

other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

1. The District Court failed to state reasons why a COA should not issue, pursuant to Rule 22(b) FRAP, and 28 U.S.C. §2253 and Third Circuit LAR 22.2 requires such determination upon final order.
2. State guilty plea was not knowing & voluntary in absence of on record understanding of rights and full explanation of elements of the crimes charged.

In further support of this application, I answer the following questions.

1. Are you presently employed?

Yes ☐ No ☒

- a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

- b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

Petitioner has been continuously incarcerated for last 6 years.

2. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or other form of self-employment

Yes ☐ No ☒

- b. Rent payments, interest or dividends?

Yes ☐ No ☒

- c. Pensions, annuities or life insurance payments?

Yes ☐ No ☒

- d. Gifts ~~monetary gifts~~

Yes ☒ No ☐

- e. Any other sources?

Yes ☐ No ☒

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

Infrequent gifts from family & friends of approximately \$400.00 dollars.

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes ☒ No ☐ (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

Approximately \$150.00 dollars in prison inmate account.

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ☐ No ☒

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

None.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/8/03
(Date)

[Signature]
Signature of Applicant

CERTIFICATE (Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ 207.42 on account to his credit at the State Correctional Institution at Huntingdon institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: NONE

I further certify that during the last six months the applicant's average balance was \$ 115.91

December 15, 2003

DATE

[Signature]
Authorized Officer of Institution
Charles E. Martin, Business Manager III

ORDER OF COURT

The application is hereby denied

United States Judge

Date

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge
or Magistrate

Date